

Message Text

PAGE 01 STATE 303478
ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

DRAFTED BY EA/K:DBLAKEMORE:JCM
APPROVED BY EA:WHGLEESTEEN,JR.
P - MR. FORBES
L/EA - MR. ORLINS
JUSTICE - MR. MICHEL
S/S-O:JETHYDEN

-----110833 210111Z /63
Z 210047Z DEC 77 ZFF4
FM SECSTATE WASHDC
TO AMEMBASSY SEOUL FLASH

S E C R E T STATE 303478

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: TONGSUN PARK AFFAIR: MUTUAL PROSECUTION
ASSISTANCE AGREEMENT AND JOINT STATEMENT

REFS: (A) SEOUL 10702, (B) SEOUL 10674.

1. THE NEWS CONTAINED IN PARA 8 REF A THAT THE ROKG WILL SEEK NO FURTHER MODIFICATION OF PARAGRAPH 4 F OF THE JOINT STATEMENT IS MOST WELCOME. AMBASSADOR SNEIDER AND POLCOUNS CLARK ARE TO BE CONGRATULATED FOR THEIR REPORTS ON THIS DIFFICULT POINT, AND YOU SHOULD ALSO EXPRESS OUR APPRECIATION TO THE KOREANS. TELL ROKG WE ARE PLEASED THIS IS OUT OF WAY.
2. LIKE THE ROKG, WE ARE ANXIOUS TO REACH AGREEMENT ON THE MPAA AND ISSUE THE JOINT STATEMENT AS SECRET

PAGE 02 STATE 303478

QUICKLY AS POSSIBLE. UNLESS THESE DOCUMENTS ARE WRAPPED UP PRIOR TO THE HOLIDAYS WE WILL BE IN DANGER OF LOSING MOMENTUM, AND WILL THUS RISK JEOPARDIZING THE PROGRESS WE HAVE MADE TOWARD AGREEMENT. IN ADDITION, WE BELIEVE IT IS MOST IMPORTANT THAT IF AT ALL POSSIBLE THE PROCESS OF QUESTIONING TONGSUN PARK IN SEOUL BEGIN IN EARLY JANUARY.

3. WE BELIEVE THAT IN MOST INSTANCES THE ROKG WILL BE ABLE TO ACCEPT OUR RESPONSES TO THEIR PROPOSALS AS SET

FORTH IN THE REFERENCE TELEGRAMS. OUR DETAILED REACTIONS ARE CONTAINED IN PARAS 4 THROUGH 19 BELOW. IT SEEMS TO US THAT THE SIGNIFICANT HURDLES STILL TO BE CROSSED ARE FOUR, AS FOLLOWS.

A. PRIOR DISMISSAL OF THE INDICTMENT - OUR POSITION REMAINS THAT UNDER NO CIRCUMSTANCES WILL WE CONSIDER DISMISSAL OF THE INDICTMENT PRIOR TO COMPLETION OF PARK'S TESTIMONY AT THE LAST TRIAL FOR WHICH IT IS NEEDED. WE BELIEVE WE HAVE MADE IT ABUNDANTLY CLEAR THAT WE ARE UNABLE TO CHANGE OUR POSITION ON THIS POINT. THUS THE QUESTIONS OF PRECEDENT FOR PRIOR DISMISSAL IN OTHER CASES, AND OF REPUTED CONVERSATIONS BETWEEN CIVILETTI AND HUNDLEY REPORTED THIRD HAND, ARE NOT RELEVANT. BEGIN FYI - AS YOU ARE NO DOUBT AWARE, DESPITE THE CLAIM REPORTED IN REFERENCE A, ALL LEVELS OF THE JUSTICE DEPARTMENT HAVE BEEN MADE AWARE REPEATEDLY OF THE KOREAN GOVERNMENT'S INTEREST IN PRIOR DISMISSAL OF THE INDICTMENT AGAINST PARK. YOU SHOULD KNOW THAT IN HUNDLEY'S VIEW, WHICH HE HAS COMMUNICATED TO PARK, THE INDICTMENT WILL BE TO PARK'S ADVANTAGE DURING THE TRIAL PERIOD AS A SHIELD AGAINST BEING CALLED BEFORE CONGRESSIONAL COMMITTEES. HUNDLEY SAYS IT IS NOT SECRET

PAGE 03 STATE 303478

PARK'S POSITION TO HOLD OUT FOR PRIOR DISMISSAL, AND SUGGESTS THAT PERHAPS IT IS THE ROKG WHICH IS HOLDING OUT END FYI.

B. JOINT STATEMENT, PARAGRAPH 5 B - WE BELIEVE THAT THE PHRASE "AND WILL TAKE ALL NECESSARY STEPS TO FACILITATE HIS PRESENCE IN THE UNITED STATES FOR THIS PURPOSE" IS IMPORTANT TO US AS INSURANCE AGAINST POSSIBLE LEGAL ACTIONS, EXTRANEIOUS TO THE ISSUE AT HAND, WHICH

MIGHT BE TAKEN TO KEEP PARK IN KOREA. WE DO NOT QUESTION ROKG INTENTIONS OR GOOD FAITH, BUT BELIEVE IT MOST IMPORTANT THAT THIS UNDERTAKING BE SPELLED OUT. PERHAPS IT WOULD BE HELPFUL IF THE EMBASSY WOULD ENLARGE ON THE POINT IN PARA 8 REF A THAT THE PROPOSED CHANGE WOULD GREATLY ASSIST THE FOREIGN MINISTER IN HANDLING OF THIS MATTER BUREAUCRATICALLY.

C. WE ARE CONCERNED THAT WHEN CLARK RAISED MATTER OF TONGSUN PARK LETTER PER PARA 9 REFTTEL HE APPARENTLY GOT NO RESPONSE. WE NEED TO RECEIVE AS SOON AS POSSIBLE EITHER THE LETTER OR ASSURANCES THAT IT EXISTS, THAT IT CONTAINS THE PROMISES REQUIRED AS REPEATED IN PARA 9 OF REF A, AND THAT IT CONTAINS NO CONDITIONS.

D. ON THE SCOPE OF QUESTIONING (MPAA NEW

PARAGRAPH 8), WE ARE VERY DISTURBED BY THE FACT THAT THE ROKG APPARENTLY AGREED TO OUR LANGUAGE (REF B) ONLY TO BACK OFF LATER (REF A). SUCH BACKSLIDING ON A KEY POINT IS DISCOURAGING.

WE BELIEVE THAT IT WOULD BE APPROPRIATE, WHILE CLARK DISCUSSES THE POINTS IN THE FOLLOWING PARAGRAPH WITH HIS COUNTERPARTS, FOR THE AMBASSADOR TO SEEK AN APPOINTMENT WITH THE FOREIGN MINISTER TO DEAL WITH THE
SECRET

PAGE 04 STATE 303478

FORGOING FOUR POINTS.

4. ALL REFERENCES TO MPAA WHICH FOLLOW USE THE NEW PARAGRAPH NUMBERS PER REF B. PREAMBLE - THE PROPOSED ROKG SUBSTITUTIONS ARE ACCEPTABLE IN PRINCIPLE, SUBJECT TO APPROVAL OF THE PRECISE WORDING.

5. PARA 1 - ROKG'S PROPOSED SUBSTITUTE PARAGRAPH IS ACCEPTABLE ON THE UNDERSTANDING THAT THE JOINT STATEMENT IS AN INTEGRAL PART OF THE MPAA.

6. PARA 2 - NEW PARAGRAPH 2 IS ACCEPTABLE AS PROPOSED IN REF B.

7. PARA 3 - EMBASSY IS OF COURSE CORRECT THAT WORD "COUNSEL" IS ALREADY PLURAL.

8. PARA 4 - A. ADDITION OF THE PHRASE "IN SEOUL IN THE PRESENCE OF TWO KOREAN OFFICIALS" IS ACCEPTABLE, BUT WE NOTE THAT THIS POINT IS EXPRESSLY COVERED IN THE JOINT STATEMENT, AND THAT THE JOINT STATEMENT IS AN INTEGRAL PART OF THE MPAA.

B. PROPOSED ADDITIONAL PHRASE "GRANT HIM FULL IMMUNITY FROM ANY PAST CRIMINAL CONDUCT" IS ALSO COVERED IN THE JOINT STATEMENT AND IS THUS REPETITIVE. FURTHER, THE JOINT STATEMENT USES DIFFERENT WORDS TO MAKE THIS SAME POINT, AND THUS INVITES CONFUSION. FINALLY, USE OF THE WORD "ANY" WOULD BE IMPROPER IN THAT IT WOULD APPLY TO ACTIONS UNRELATED TO THIS INVESTIGATION. FOR THESE REASONS WE CANNOT ACCEPT THE PROPOSED ADDITION.

C. THE WORD "COOPERATION" HERE REFERS TO
SECRET

PAGE 05 STATE 303478

SUBMISSION TO POLYGRAPH AND PROVISION OF ANY RELEVANT DOCUMENTS PARK MAY HAVE. BEGIN FYI - FORMS OF COOPERATION ARE SET FORTH IN DETAIL IN THE PARK/JUSTICE MEMORANDUM OF UNDERSTANDING. END

FYI.

D. ON THE MATTER OF PRIOR DISMISSAL OF THE
INDICTMENT, SEE PARA 3 A ABOVE.

9. PARA 5 - A. WE CANNOT ACCEPT SUBSTITUTION OF
"MAY" FOR "WILL" IN THE FIRST SENTENCE.

B. UNLESS THE KOREANS HAVE A COMPELLING RATIONALE
FOR PROPOSING THE SUBSTITUTION OF "WITHOUT UNDUE DELAY
FOR TRANSLATION", WE ARE UNABLE TO ACCEPT IT. SINCE
THERE WILL BE SIMULTANEOUS TRANSLATION, WE FAIL TO
UNDERSTAND WHY THERE SHOULD BE ANY DELAY, UNDUE OR
OTHERWISE, FOR TRANSLATION.

C. THE KOREANS PROPOSED FINAL SENTENCE, "VERBATIM
RECORD IN ENGLISH WILL BE PROVIDED TO THE KOREAN
PROSECUTION" IS ACCEPTABLE.

10. PARA 6 - A. WE AGREE TO DROPPING OF "BRIEFLY".

B. WE CANNOT ACCEPT DELETION OF THE PHRASE
"WITHOUT INTERRUPTION". EMBASSY SHOULD SO INFORM
THE ROKG, AND ASK WHY THEY ARE PROPOSING THIS CHANGE.
UNDER WHAT CIRCUMSTANCE WOULD THEY ENVISION INTERRUPTION,
AND BY WHOM? BEGIN FYI - WE SEE THIS POINT AS
RELATED TO THE QUESTION OF WHO SHALL BE PRESENT DURING
THE INTERROGATION. OUR FEAR IS THAT A SENIOR MOJ OFFICIAL
WOULD ATTEMPT TO TAKE OVER THE PROCEEDING AS A KIND OF
PRESIDING JUDGE. END FYI.

C. WE DO NOT BELIEVE AN ORAL STATEMENT WOULD
SECRET

PAGE 06 STATE 303478

BE DESIRABLE SINCE WE HAVE AS A MATTER OF PRINCIPLE
SOUGHT TO ENSURE THAT ALL ELEMENTS OF THIS AGREEMENT
WILL BE IN WRITING AND ACCESSIBLE TO SUBSEQUENT SCRUTINY.

11. PARA 7 - A. MOST OF ROKG'S PROPOSED REARRANGEMENT
WE CAN AGREE WITH, BUT SUGGEST GREATER CLARITY WOULD BE
ACHIEVED BY THE FOLLOWING: "AT THE OPTION OF THE
AMERICAN PROSECUTORS IN LIEU OF QUESTIONING ON THE
RECORD, MR. PARK MAY BE EXAMINED BY UNITED STATES
POLYGRAPH EXAMINER CONCERNING ANY QUESTION PREVIOUSLY
PUT, OR BE INTERVIEWED OFF THE RECORD BY US
PROSECUTORS.

B. WE CAN ALSO ACCEPT THE ADDITION "IN THE
PRESENCE OF KOREAN OFFICIALS" PROVIDED THAT THE
EXAMINER FINDS THAT THE TEST CAN BE RELIABLY DONE IN
THEIR PRESENCE. IF NECESSARY SOME SPECIAL PHYSICAL
ARRANGEMENTS MIGHT BE NEEDED WHICH WOULD PERMIT

MONITORING BY ROKG OFFICIALS WITHOUT PARKDS
DIRECT PERCEPTION.

12. PARA 8 - POLCOUNS WAS CORRECT IN REJECTING
PROPOSED CHANGES, AND REJECTION SHOULD BE CONFIRMED.
WERE WE TO ACCEPT THE DELETIONS PROPOSED IN PARAGRAPH
6 OF REF A, THE SCOPE OF QUESTIONING WOULD BE SO LIMITED
AS TO REDUCE THE INVESTIGATION TO A SHAM. RE THE ROK
QUESTION ON THIS PARAGRAPH, ACTIONS AND MEETINGS BY
US OFFICIALS IN KOREA WOULD INDEED BE COVERED IF THERE
ARE ANY THAT ARE RELEVANT.

13. PARA 9 - A. ADDITION OF "AS A WITNESS": IS
ACCEPTABLE.

B. PHRASE "OR PERSONS" CANNOT BE DELETED
SECRET

PAGE 07 STATE 303478

BECAUSE OF THE LIKELY INVOLVEMENT OF CIVILIAN ACCOMPLICES.

C. SUBSTITUTION OF "EXAMINATION" FOR
"QUESTIONING" IS ACCEPTABLE.

14. PARA 10 - A. "OR PERSON" CANNOT BE DELETED,
PER EXPLANATION IN THE PRECEEDING PARAGRAPH.

B. WE COULD ACCEPT INSERTION OF "RELATED COURT"
BEFORE PROCEEDINGS.

15. PARA 11 - WE CANNOT ACCEPT PROPOSED ADDITION.
FYI. THE POINT HERE IS TO MAKE PROVISION FOR FURTHER
FOLLOW UP QUESTIONING IF NECESSARY. WE CANNOT PROVIDE
DETAILS ON WHEN AND WHERE BECAUSE WE DON'T KNOW WHAT THE
REQUIREMENTS MIGHT BE. WE DON'T SEE WHY ROKG SEEKS
PROTECTION BY LOCKING IN THE LOCATION AS SEOUL. THEY
DERIVE ADEQUATE PROTECTION FROM THE PHRASE "PURSUANT
TO THE EXISTING AGREEMENTS" WHICH CONTEMPLATE
MUTUALLY AGREEABLE ARRANGEMENTS.

16. FORMER PARA 13 - AS EMBASSY IS AWARE, WE HAVE
ALREADY AGREED TO HANDLE THIS POINT WITH A UNILATERAL
US STATEMENT AND ARE SOMEWHAT SURPRISED THAT OFFICIALS
INCLUDED IN REFTEL CONVERSATION WERE APPARENTLY UNAWARE
OF THIS.

17. PARA 14 - WE CANNOT ACCEPT OR UNDERSTAND THE
CHANGES ROKG IS PROPOSING. THE FOLLOWING CLARIFICATIONS
MIGHT BE USEFUL IF ROKG DOES NOT READILY AGREE
TO DROP PARAGRAPH.

A. DOES THE PHRASE "ALL INFORMATION" INCLUDE THE
TRANSCRIPTS OF PARK'S TESTIMONY AS WELL AS THE MPAA
AND OTHER SUCH DOCUMENTS?

SECRET

PAGE 08 STATE 303478

B. IS THE REFERENCE TO "GOVERNMENT AGENCIES" MEANT TO INCLUDE CONGRESSIONAL COMMITTEES?

WE OF COURSE PLAN TO OFFER TRANSCRIPTS TO THE CONGRESSIONAL COMMITTEES IN LIEU OF PARK'S PERSONAL APPEARANCE. WE WOULD APPRECIATE ANY ASSESSMENT FROM THE EMBASSY AS TO WHETHER THIS IS AN ATTEMPT TO INCLUDE THE ETHICS COMMITTEE BUT EXCLUDE THE FRASER COMMITTEE. IF THAT IS THE OBJECTIVE IT IS UNLIKELY TO BE SUCCESSFUL IN ANY EVENT. IT WOULD ALSO BE USEFUL TO HAVE EMBASSY'S VIEW WHETHER THIS IS A REFERENCE TO SEC INVESTIGATIONS CITED IN PREVIOUS MESSAGES.

18. PARA 15 - FOR THE REASONS SET FORTH IN PARA 17 OF THIS MESSAGE, WE CANNOT AGREE TO THIS PARAGRAPH. HOWEVER, IF WHAT THE ROKG IS SEEKING IS PRIOR NOTICE OF ANY PRESS OR OTHER PUBLIC ANNOUNCEMENTS CONCERNING THE MPAA, WE COULD SEEK TO ACCOMMODATE THEM. ON THIS POINT, YOU SHOULD REITERATE THAT WHILE THE MPAA ITSELF WILL BE KEPT CONFIDENTIAL, ITS MAIN FEATURES WILL BE MADE PUBLIC IN THE PROCESS OF ANSWERING QUESTIONS FROM THE PRESS, ETC.

19. PARA 16 - WE CAN ACCEPT THIS ADDITION. VANCE

SECRET

PAGE 01 STATE 303478
ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

66011

DRAFTED BY:S/S-O:TGMARTIN

APPROVED BY:S/S-O:TGMARTIN

-----113459 210840Z /13

O 210800Z DEC 77 ZFF4

FM SECSTATE WASHDC

TO WHITE HOUSE IMMEDIATE

S E C R E T STATE 303478

EXDIS DISTRIBUTE AS NODIS WHITE HOUSE FOR BRZEZINSKI ONLY

FOLLOWING REPEAT STATE 303478 SENT ACTION SEOUL DEC 21.

QUOTE S E C R E T STATE 303478

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: TONGSUN PARK AFFAIR: MUTUAL PROSECUTION
ASSISTANCE AGREEMENT AND JOINT STATEMENT

REFS: (A) SEOUL 10702, (B) SEOUL 10674.

1. THE NEWS CONTAINED IN PARA 8 REF A THAT THE ROKG WILL SEEK NO FURTHER MODIFICATION OF PARAGRAPH 4 F OF THE JOINT STATEMENT IS MOST WELCOME. AMBASSADOR SNEIDER AND POLCOUNS CLARK ARE TO BE CONGRATULATED FOR THEIR REPORTS ON THIS DIFFICULT POINT, AND YOU SHOULD ALSO EXPRESS OUR APPRECIATION TO THE KOREANS. TELL ROKG WE ARE PLEASED THIS IS OUT OF WAY.

SECRET

PAGE 02 STATE 303478

2. LIKE THE ROKG, WE ARE ANXIOUS TO REACH AGREEMENT ON THE MPAA AND ISSUE THE JOINT STATEMENT AS QUICKLY AS POSSIBLE. UNLESS THESE DOCUMENTS ARE WRAPPED UP PRIOR TO THE HOLIDAYS WE WILL BE IN DANGER OF LOSING MOMENTUM, AND WILL THUS RISK JEOPARDIZING THE PROGRESS WE HAVE MADE TOWARD AGREEMENT. IN ADDITION, WE BELIEVE IT IS MOST IMPORTANT THAT IF AT ALL POSSIBLE THE PROCESS OF QUESTIONING TONGSUN PARK IN SEOUL BEGIN IN EARLY JANUARY.

3. WE BELIEVE THAT IN MOST INSTANCES THE ROKG WILL BE ABLE TO ACCEPT OUR RESPONSES TO THEIR PROPOSALS AS SET FORTH IN THE REFERENCE TELEGRAMS. OUR DETAILED REACTIONS ARE CONTAINED IN PARAS 4 THROUGH 19 BELOW. IT SEEMS TO US THAT THE SIGNIFICANT HURDLES STILL TO BE CROSSED ARE FOUR, AS FOLLOWS.

A. PRIOR DISMISSAL OF THE INDICTMENT - OUR POSITION REMAINS THAT UNDER NO CIRCUMSTANCES WILL WE CONSIDER DISMISSAL OF THE INDICTMENT PRIOR TO COMPLETION OF PARK'S TESTIMONY AT THE LAST TRIAL FOR WHICH IT IS NEEDED. WE BELIEVE WE HAVE MADE IT ABUNDANTLY CLEAR THAT WE ARE UNABLE TO CHANGE OUR POSITION ON THIS POINT. THUS THE QUESTIONS OF PRECEDENT FOR PRIOR DISMISSAL IN OTHER CASES, AND OF REPUTED CONVERSATIONS BETWEEN CIVILETTI AND HUNDLEY REPORTED THIRD HAND, ARE NOT RELEVANT. BEGIN FYI - AS YOU ARE NO DOUBT AWARE, DESPITE THE CLAIM REPORTED IN REFERENCE A, ALL LEVELS OF THE JUSTICE DEPARTMENT HAVE BEEN MADE AWARE REPEATEDLY OF THE KOREAN GOVERNMENT'S INTEREST IN PRIOR DISMISSAL OF THE INDICTMENT AGAINST PARK. YOU SHOULD KNOW THAT IN HUNDLEY'S VIEW, WHICH HE HAS COMMUNICATED TO PARK, THE INDICTMENT WILL BE TO PARK'S ADVANTAGE DURING THE TRIAL

SECRET

PAGE 03 STATE 303478

PERIOD AS A SHIELD AGAINST BEING CALLED BEFORE CONGRESSIONAL COMMITTEES. HUNDLEY SAYS IT IS NOT PARK'S POSITION TO HOLD OUT FOR PRIOR DISMISSAL, AND SUGGESTS THAT PERHAPS IT IS THE ROKG WHICH IS HOLDING OUT END FYI.

B. JOINT STATEMENT, PARAGRAPH 5 B - WE BELIEVE THAT THE PHRASE "AND WILL TAKE ALL NECESSARY STEPS TO FACILITATE HIS PRESENCE IN THE UNITED STATES FOR THIS PURPOSE" IS IMPORTANT TO US AS INSURANCE AGAINST POSSIBLE LEGAL ACTIONS, EXTRANEIOUS TO THE ISSUE AT HAND, WHICH

MIGHT BE TAKEN TO KEEP PARK IN KOREA. WE DO NOT QUESTION ROKG INTENTIONS OR GOOD FAITH, BUT BELIEVE IT MOST IMPORTANT THAT THIS UNDERTAKING BE SPELLED OUT. PERHAPS IT WOULD BE HELPFUL IF THE EMBASSY WOULD ENLARGE ON THE POINT IN PARA 8 REF A THAT THE PROPOSED CHANGE WOULD GREATLY ASSIST THE FOREIGN MINISTER IN HANDLING OF THIS MATTER BUREAUCRATICALLY.

C. WE ARE CONCERNED THAT WHEN CLARK RAISED MATTER OF TONGSUN PARK LETTER PER PARA 9 REFTEL HE APPARENTLY GOT NO RESPONSE. WE NEED TO RECEIVE AS SOON AS POSSIBLE EITHER THE LETTER OR ASSURANCES THAT IT EXISTS, THAT IT CONTAINS THE PROMISES REQUIRED AS REPEATED IN PARA 9 OF REF A, AND THAT IT CONTAINS NO CONDITIONS.

D. ON THE SCOPE OF QUESTIONING (MPAA NEW PARAGRAPH 8), WE ARE VERY DISTURBED BY THE FACT THAT THE ROKG APPARENTLY AGREED TO OUR LANGUAGE (REF B) ONLY TO BACK OFF LATER (REF A). SUCH BACKSLIDING ON A KEY POINT IS DISCOURAGING.

WE BELIEVE THAT IT WOULD BE APPROPRIATE, WHILE CLARK DISCUSSES THE POINTS IN THE FOLLOWING PARAGRAPH
SECRET

PAGE 04 STATE 303478

WITH HIS COUNTERPARTS, FOR THE AMBASSADOR TO SEEK AN APPOINTMENT WITH THE FOREIGN MINISTER TO DEAL WITH THE FORGOING FOUR POINTS.

4. ALL REFERENCES TO MPAA WHICH FOLLOW USE THE NEW PARAGRAPH NUMBERS PER REF B. PREAMBLE - THE PROPOSED ROKG SUBSTITUTIONS ARE ACCEPTABLE IN PRINCIPLE, SUBJECT TO APPROVAL OF THE PRECISE WORDING.

5. PARA 1 - ROKG'S PROPOSED SUBSTITUTE PARAGRAPH IS

ACCEPTABLE ON THE UNDERSTANDING THAT THE JOINT STATEMENT IS AN INTEGRAL PART OF THE MPAA.

6. PARA 2 - NEW PARAGRAPH 2 IS ACCEPTABLE AS PROPOSED IN REF B.

7. PARA 3 - EMBASSY IS OF COURSE CORRECT THAT WORD "COUNSEL" IS ALREADY PLURAL.

8. PARA 4 - A. ADDITION OF THE PHRASE "IN SEOUL IN THE PRESENCE OF TWO KOREAN OFFICIALS" IS ACCEPTABLE, BUT WE NOTE THAT THIS POINT IS EXPRESSLY COVERED IN THE JOINT STATEMENT, AND THAT THE JOINT STATEMENT IS AN INTEGRAL PART OF THE MPAA.

B. PROPOSED ADDITIONAL PHRASE "GRANT HIM FULL IMMUNITY FROM ANY PAST CRIMINAL CONDUCT" IS ALSO COVERED IN THE JOINT STATEMENT AND IS THUS REPETITIVE. FURTHER, THE JOINT STATEMENT USES DIFFERENT WORDS TO MAKE THIS SAME POINT, AND THUS INVITES CONFUSION. FINALLY, USE OF THE WORD "ANY" WOULD BE IMPROPER IN THAT IT WOULD APPLY TO ACTIONS UNRELATED TO THIS INVESTIGATION. FOR THESE REASONS WE CANNOT ACCEPT THE PROPOSED ADDITION.
SECRET

PAGE 05 STATE 303478

C. THE WORD "COOPERATION" HERE REFERS TO SUBMISSION TO POLYGRAPH AND PROVISION OF ANY RELEVANT DOCUMENTS PARK MAY HAVE. BEGIN FYI - FORMS OF COOPERATION ARE SET FORTH IN DETAIL IN THE PARK/JUSTICE MEMORANDUM OF UNDERSTANDING. END FYI.

D. ON THE MATTER OF PRIOR DISMISSAL OF THE INDICTMENT, SEE PARA 3 A ABOVE.

9. PARA 5 - A. WE CANNOT ACCEPT SUBSTITUTION OF "MAY" FOR "WILL" IN THE FIRST SENTENCE.

B. UNLESS THE KOREANS HAVE A COMPELLING RATIONALE FOR PROPOSING THE SUBSTITUTION OF "WITHOUT UNDUE DELAY FOR TRANSLATION", WE ARE UNABLE TO ACCEPT IT. SINCE THERE WILL BE SIMULTANEOUS TRANSLATION, WE FAIL TO UNDERSTAND WHY THERE SHOULD BE ANY DELAY, UNDUE OR OTHERWISE, FOR TRANSLATION.

C. THE KOREANS PROPOSED FINAL SENTENCE, "VERBATIM RECORD IN ENGLISH WILL BE PROVIDED TO THE KOREAN PROSECUTION" IS ACCEPTABLE.

10. PARA 6 - A. WE AGREE TO DROPPING OF "BRIEFLY".

B. WE CANNOT ACCEPT DELETION OF THE PHRASE

"WITHOUT INTERRUPTION". EMBASSY SHOULD SO INFORM THE ROKG, AND ASK WHY THEY ARE PROPOSING THIS CHANGE. UNDER WHAT CIRCUMSTANCE WOULD THEY ENVISION INTERRUPTION, AND BY WHOM? BEGIN FYI - WE SEE THIS POINT AS RELATED TO THE QUESTION OF WHO SHALL BE PRESENT DURING THE INTERROGATION. OUR FEAR IS THAT A SENIOR MOJ OFFICIAL WOULD ATTEMPT TO TAKE OVER THE PROCEEDING AS A KIND OF PRESIDING JUDGE. END FYI.

SECRET

PAGE 06 STATE 303478

C. WE DO NOT BELIEVE AN ORAL STATEMENT WOULD BE DESIRABLE SINCE WE HAVE AS A MATTER OF PRINCIPLE SOUGHT TO ENSURE THAT ALL ELEMENTS OF THIS AGREEMENT WILL BE IN WRITING AND ACCESSIBLE TO SUBSEQUENT SCRUTINY.

11. PARA 7 - A. MOST OF ROKG'S PROPOSED REARRANGEMENT WE CAN AGREE WITH, BUT SUGGEST GREATER CLARITY WOULD BE ACHIEVED BY THE FOLLOWING: "AT THE OPTION OF THE AMERICAN PROSECUTORS IN LIEU OF QUESTIONING ON THE RECORD, MR. PARK MAY BE EXAMINED BY UNITED STATES POLYGRAPH EXAMINER CONCERNING ANY QUESTION PREVIOUSLY PUT, OR BE INTERVIEWED OFF THE RECORD BY US PROSECUTORS.

B. WE CAN ALSO ACCEPT THE ADDITION "IN THE PRESENCE OF KOREAN OFFICIALS" PROVIDED THAT THE EXAMINAR FINDS THAT THE TEST CAN BE RELIABLY DONE IN THEIR PRESENCE. IF NECESSARY SOME SPECIAL PHYSICAL ARRANGEMENTS MIGHT BE NEEDED WHICH WOULD PERMIT MONITORING BY ROKG OFFICIALS WITHOUT PARKDS DIRECT PERCEPTION.

12. PARA 8 - POLCOUNS WAS CORRECT IN REJECTING PROPOSED CHANGES, AND REJECTION SHOULD BE CONFIRMED. WERE WE TO ACCEPT THE DELETIONS PROPOSED IN PARAGRAPH 6 OF REF A, THE SCOPE OF QUESTIONING WOULD BE SO LIMITED AS TO REDUCE THE INVESTIGATION TO A SHAM. RE THE ROK QUESTION ON THIS PARAGRAPH, ACTIONS AND MEETINGS BY US OFFICIALS IN KOREA WOULD INDEED BE COVERED IF THERE ARE ANY THAT ARE RELEVANT.

13. PARA 9 - A. ADDITION OF "AS A WITNESS": IS ACCEPTABLE.

SECRET

PAGE 07 STATE 303478

B. PHRASE "OR PERSONS" CANNOT BE DELETED BECAUSE OF THE LIKELY INVOLVEMENT OF CIVILIAN ACCOMPLICES.

C. SUBSTITUTION OF "EXAMINATION" FOR "QUESTIONING" IS ACCEPTABLE.

14. PARA 10 - A. "OR PERSON" CANNOT BE DELETED,
PER EXPLANATION IN THE PRECEEDING PARAGRAPH.

B. WE COULD ACCEPT INSERTION OF "RELATED COURT"
BEFORE PROCEEDINGS.

15. PARA 11 - WE CANNOT ACCEPT PROPOSED ADDITION.
FYI. THE POINT HERE IS TO MAKE PROVISION FOR FURTHER
FOLLOW UP QUESTIONING IF NECESSARY. WE CANNOT PROVIDE
DETAILS ON WHEN AND WHERE BECAUSE WE DON'T KNOW WHAT THE
REQUIREMENTS MIGHT BE. WE DON'T SEE WHY ROKG SEEKS
PROTECTION BY LOCKING IN THE LOCATION AS SEOUL. THEY
DERIVE ADEQUATE PROTECTION FROM THE PHRASE "PURSUANT
TO THE EXISTING AGREEMENTS" WHICH CONTEMPLATE
MUTUALLY AGREEABLE ARRANGEMENTS.

16. FORMER PARA 13 - AS EMBASSY IS AWARE, WE HAVE
ALREADY AGREED TO HANDLE THIS POINT WITH A UNILATERAL
US STATEMENT AND ARE SOMEWHAT SURPRISED THAT OFFICIALS
INCLUDED IN REFTEL CONVERSATION WERE APPARENTLY UNAWARE
OF THIS.

17. PARA 14 - WE CANNOT ACCEPT OR UNDERSTAND THE
CHANGES ROKG IS PROPOSING. THE FOLLOWING CLARIFICATIONS
MIGHT BE USEFUL IF ROKG DOES NOT READILY AGREE
TO DROP PARAGRAPH.

A. DOES THE PHRASE "ALL INFORMATION" INCLUDE THE
TRANSCRIPTS OF PARK'S TESTIMONY AS WELL AS THE MPAA
SECRET

PAGE 08 STATE 303478

AND OTHER SUCH DOCUMENTS?

B. IS THE REFERENCE TO "GOVERNMENT AGENCIES" MEANT
TO INCLUDE CONGRESSIONAL COMMITTEES?

WE OF COURSE PLAN TO OFFER TRANSCRIPTS TO THE
CONGRESSIONAL COMMITTEES IN LIEU OF PARK'S PERSONAL
APPEARANCE. WE WOULD APPRECIATE ANY ASSESSMENT FROM
THE EMBASSY AS TO WHETHER THIS IS AN ATTEMPT TO INCLUDE
THE ETHICS COMMITTEE BUT EXCLUDE THE FRASER COMMITTEE.
IF THAT IS THE OBJECTIVE IT IS UNLIKELY TO BE SUCCESSFUL
IN ANY EVENT. IT WOULD ALSO BE USEFUL TO HAVE
EMBASSY'S VIEW WHETHER THIS IS A REFERENCE TO SEC
INVESTIGATIONS CITED IN PREVIOUS MESSAGES.

18. PARA 15 - FOR THE REASONS SET FORTH IN PARA 17
OF THIS MESSAGE, WE CANNOT AGREE TO THIS PARAGRAPH.
HOWEVER, IF WHAT THE ROKG IS SEEKING IS PRIOR
NOTICE OF ANY PRESS OR OTHER PUBLIC ANNOUNCEMENTS
CONCERNING THE MPAA, WE COULD SEEK TO ACCOMMODATE
THEM. ON THIS POINT, YOU SHOULD REITERATE THAT WHILE THE

MPAA ITSELF WILL BE KEPT CONFIDENTIAL, ITS MAIN
FEATURES WILL BE MADE PUBLIC IN THE PROCESS OF
ANSWERING QUESTIONS FROM THE PRESS, ETC.

19. PARA 16 - WE CAN ACCEPT THIS ADDITION. VANCE
UNQUOTE VANCE

SECRET

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: Z
Capture Date: 22-Sep-1999 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BRIBERY, AGREEMENTS, US CONGRESSIONAL HEARINGS, CAT-B
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Dec-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE303478
Document Source: ADS
Document Unique ID: 00
Drafter: EA/K:DBLAKEMORE:JCM
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Expiration:
Film Number: P850067-1465
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197712111/baaaaeusw.tel
Line Count: 604
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Message ID: 2df65dfc-c188-dd11-92da-001cc4696bcc
Office: ORIGIN NODS
Original Classification: SECRET
Original Handling Restrictions: EXDIS NODIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 11
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS NODIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 119744
Secure: LOCK1
Status: NATIVE
Subject: TONGSUN PARK AFFAIR: MUTUAL PROSECUTION
TAGS: PGOV, KS, US, (PARK TONG-SUN)
To: SEOUL FLASH
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/2df65dfc-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009